

REMARKS

Claims 3-9, 12-22, 25-26 and 37-38 remain in connection with the present application with claims 33 and 34 being cancelled without prejudice or disclaimer of the subject matter contained therein. By the present amendment, each of claims 25, and 26 have been amended.

Allowed Claims

Initially, Applicants wish to thank the Examiner for the indication that claims 3-9, 12-18, 21, 22 and 37-38 are allowed.

Examiner Initiated Telephone Interview

On December 11, 2007, Applicants representative was contacted by Examiner Dinh. The Examiner indicated that all claims would be allowed if Applicants agreed to amend claims 33 and 34 as follows:

33. "A computer readable storage medium, encoded with comprising the program of claim 25"; and
34. "A computer readable storage medium, encoded with comprising the program of claim 25".

On December 14, 2007, Applicants representative contacted the Examiner and indicated that Applicants agreed to these amendments to pass all claims to allowance. However, instead of a Notice of Allowance, the present office action was received.

Claim Rejections 35 U.S.C. §101

The Examiner now rejects claims 25, 26, 33 and 34 under 35 U.S.C. §101, alleging that the claimed subject matter is non-statutory. Apparently, the Examiner now rejects independent claims 25 and 26 for being directed to a program (noting that dependent claims 33 and 34 are specifically mentioned only in the context of being dependent upon “program” claims 25 and 26). Insofar as the claims now stand, this rejection is respectively traversed.

Independent claims 25 and 26 are now amended to refer to “A computer readable storage medium encoded with a program which, when run on a computer, causes the computer to execute...”, instead of merely a program. Support for such amendments, as discussed in the interview referenced above, can be found in at least paragraphs [00172] and [00173] for example. As indicated in the interview referenced above, the Examiner acknowledges that such a computer readable storage medium is statutory subject matter. Thus, withdrawal of the outstanding rejection is respectfully requested.

Claim Rejections 35 U.S.C. §112

Claims 25 and 26 are further rejected under 35 U.S.C. §112 for use of the language “adapted to cause”. This language is now removed from claims 25 and 26, and thus withdrawal of the rejection is respectfully requested.

Conclusion

Accordingly, in view of the above Amendments and remarks, reconsideration of the objections and rejections and allowance of each of pending claims 3-9, 12-22, 25-26 and 37-38 in connection with the present application is earnestly solicited.

U.S. Application No. 10/743,770
Atty. Docket No. 12480-000028/US

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By _____


Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

DJD/amp